

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,
PLAINTIFF,

V.

CA. NO. 04-1350 (GMS)

SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER AND
MR. GREY; DEFENDANTS.



REQUEST FOR AN EXTENTION
OF TIME TO FILE THE AMENDED
COMPLAINT WITH THE COURT AND
THE DEFENDANTS

COMES NOW, THE PLAINTIFF JIMMIE LEWIS, PRO-SE
AND HUMBLY REQUEST THIS HONORABLE COURT TO
GRANT THE PLAINTIFF'S REQUEST FOR AN EXTENTION
OF TIME TO OFFICIALLY FILE HIS AMENDED COMPLAINT
WITH THE CLERK OF THE COURT USING CM/ECF,
WHICH WILL SEND NOTIFICATION OF SUCH OFFICIAL FILING
TO THE DEFENDANTS. IN SUPPORT THEREOF THE
PLAINTIFF ASSERTS THE FOLLOWING:

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FILED

- 1.) THE DEFENDANTS FILED MOTIONS TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILING TO STATE A CLAIM FOR WHICH RELIEF CAN BE GRANTED.
- 2.) WITH LEAVE OF THE COURT, THE PLAINTIFF FILED HIS AMENDED COMPLAINT ON OR ABOUT AUG 26, 2005 WITH THE CLERK OF THE COURT IN ORDER TO CURE ALLEGED DEFICIENCIES, FOR WHICH LEAVE SHALL BE GIVEN WHEN JUSTICE SO REQUIRES, SEE SHANE V. FAUVER, 213 F.3d 113, 115 (3d CIR. 2000).
BUT THE PLAINTIFF FAILED TO ENCLUE PLEADINGS FOR SAID AMENDED COMPLAINT, TO BE ELECTRONICALLY FILED BY THE CLERK OF THE COURT WITH CM/ECF WHICH WOULD HAD SEND AN OFFICIAL COURT NOTICE TO THE DEFENDANT AND OR THE COURT.
- 3.) DUE TO SAID FAILURE, THE PLAINTIFF DID NOT JUDICIALLY COMPREHEND (DUE TO HIS BEING - UNLEARNED IN JUDICIAL LAW) THAT THE COURT NOR ARE THE DEFENDANTS JUDICIALLY OBLIGATED TO ACKNOWLEDGE THE PLAINTIFF'S UNOFFICIAL PLEADINGS.
NOTE: SAID DELAY OF FIVE MONTHS SHOULD BE VIEWED IN SUPPORT OF THE PLAINTIFF'S MOTION AND MEMORANDUM OF LAW FOR THE APPOINTMENT OF COUNSEL.

- 4.) ON OR ABOUT AUG 23, 2005 THE DEFENDANT SYLVIA FOSTER MD, BY AND THROUGH HER ATTORNEY CYNTHIA C BEAM ESQ FILED A RESPONSE TO THE PLAINTIFF'S MOTION REQUESTING PERMISSION TO AMEND THE COMPLAINT, REQUESTING THAT THIS HONORABLE COURT DENY PLAINTIFF'S MOTION PURSUANT TO RULE 15.1, UNTIL SUCH TIME AS PLAINTIFF PROVIDES A COPY OF THE AMENDED COMPLAINT.
- 5.) ON OR ABOUT 11/18/05 DUE TO THE PLAINTIFF NOT SUBMITTING PLEADINGS REQUESTING FOR HIS AMENDED COMPLAINT FILED WITH THE CLERK OF THE COURT, TO BE FILED WITH THE CM/ECF SYSTEM, THE DEFENDANT ROBERT GRAY BY AND THROUGH HIS ATTORNEY A. ANN WOOLFOLK STATES A CLAIM THAT NO AMENDED COMPLAINT HAS EVER BEEN SERVED, EVEN THOUGH PLEADINGS REFERRING TO THE PLAINTIFF'S AMENDED COMPLAINT FORWARDED TO THE DEFENDANTS OCT, 05, IS EVIDENT IN PLEADINGS FILED BY THE DEFENDANT ROBERT GRAY THEREAFTER.

6.) THE PLAINTIFF HAS STOOD IDILLY BY DUE TO HIS FAILURE TO FILE PLEADINGS INSTRUCTING THE CLERK OF THIS HONORABLE COURT TO UTILIZE THE CM/ECF SYSTEM TO JUDICIALLY NOTIFY THE COURT AND THE FORE MENTIONED DEFENDANTS THAT THE PLAINTIFF HAS OFFICIALLY FILED HIS AMENDED COMPLAINT.

7.) FOR THE FOREGOING REASONS, ALONG WITH THE FOLLOWING REASONS.

A.) THE PLAINTIFF IS INDIGENT, FOR WHICH HIS PRESENT CLASSIFICATION TO ADMINISTRATIVE SEGREGATION (DUE TO TO DEFENDANTS VIOLATING THE PLAINTIFF'S LIBERTY INTREST) THE CIRCUMSTANCES OF THE PLAINTIFF'S INDIGENCY IS EXASPERATED BY ONLY BEING ALLOWED TO PURCHASE LEGAL AND OR WRITING SUPPLIES ONCE EVERY TWO WEEK TO THE EXTENT OF \$ 10 . THIS HAS PLACED THE PLAINTIFF IN A PRECARIOUS EITHER OR SITUATION, EITHER THE PLAINTIFF PURCHASES SUPPLEMENTAL NUTRITION AND HYGIENE PRODUCTS OR MAILING SUPPLIES.

B.) DUE TO THE AFOREMENTIONED CIRCUMSTANCES THE PLAINTIFF IS AT PRESENT WITHOUT MAILING SUPPLIES

8.) THE AFOREMENTION FACTORS GIVE REASON WHY THE PLAINTIFF HUMBLY REQUEST FOR THIS HONORABLE COURT, IN THE INTREST OF JUSTICE TO TAKE INTO CONSIDERATION THE PLAINTIFFS LIKELYHOOD TO SHOW AND PROVE HIS COMPLAINTS —

CERTIFICATE OF SERVICE

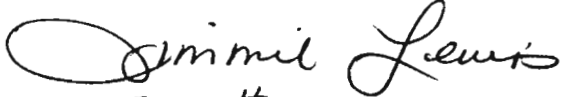
I JIMMIE LEWIS, THE UNDERSIGNED PLAINTIFF CERTIFY ON 1/27/06, THAT HE ELECTRONICALLY FILED THE ATTACHED AFFIDAVIT REQUESTING FOR AN EXTENTION OF TIME TO FILE THE AMENDED COMPLAINT WITH THE COURT AND THE DEFENDANTS, WITH THE CLERK OF THE COURT USING CM/ECF, WHICH WILL SEND OFFICIAL NOTIFICATION OF SUCH FILING TO THE FOLLOWING:

AND THAT I, THE PLAINTIFF JIMMIE LEWIS, FORWARDED ONE COPY EACH, OF THE DOCUMENT BY U.S POSTAL SERVICE TO THE FOLLOWING:

CYNTHIA G BEAM ESQ # 2565
REGER RIZZO KAVULICH & DARNELL, LLP
1001 JEFFERSON PLAZA, SUITE 202
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ATTORNEY FOR ROBERT GRAY

DATE: 1/27/06


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U.S.M.S.
RAY

OFFICE OF THE CLERK
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